

STATE BUILDING CODE INTERPRETATION NO. I-66-00

October 16, 2000

The following is offered in response to your letter in which you request a formal interpretation of Section 108.1 of the BOCA National Building Code/1996 portion of the 1999 State Building Code as it pertains to the issuance of a building permit without written approval from the local Zoning Enforcement Officer.

Question: A building permit application for a "volume reduction facility" has been received. The application for a zoning permit has been denied by the local Planning and Zoning Commission. A difference of opinion exists between the parties as to whether or not the local zoning commission has the authority to regulate the construction of the facility. Can a building permit be issued without the approval of the Zoning Enforcement Officer?

Answer: Section 108.1 requires rejection of all applications for building permits if the application or accompanying construction documents do not conform to the requirements of all applicable laws. Subsection (f) of Section 8-3 of the Connecticut General Statutes states in part that no building permit shall be issued for a building *subject to the zoning regulations of a municipality* without certification in writing by the official charged with the enforcement of such regulations that such building is in conformity with the zoning regulations. In the case at point, it is disputed as to whether or not the local zoning regulations apply to the volume reduction facility based on the provisions of the Connecticut General Statutes. The applicant claims statutory exemption from the local regulations, yet the local Zoning and Planning Commission has taken action and denied the application. It is not within my power to interpret statute or zoning law, nor is it the responsibility of the local building official. Yet, the local building official is required, by Section 108.1.1 of the BOCA National Building Code/1996 portion of the 1999 State Building Code, to issue or refuse the building permit, in whole or in part, within 30 days of the date of application for the permit. The prudent course of action to take, I believe, is to deny the building permit until such time as it can be proven to your satisfaction that all applicable laws have been conformed to, including subsection (f) of Section 8-3 of the Connecticut General Statutes.